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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

GREGORY LOTT,	:	Case No. 1:04 CV 822
	:	
Petitioner,	:	
	:	JUDGE KATHLEEN M. O'MALLEY
vs.	:	
	:	
MARGARET BAGLEY, Warden,	:	<u>ORDER</u>
	:	
Respondent.	:	

For the reasons set forth in this Court's opinion and order of this date, Lott's successive petition for a writ of habeas corpus is **DISMISSED**.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal in forma pauperis would not be frivolous and can be taken in good faith.

The Court concludes, moreover, that, given the complexities involved in the analysis set forth in this order, and obvious differences of opinion by reasonable jurists already reflected in the litigation history of this matter, a Certificate of Appealability is appropriate as to all issues raised herein.

**IT IS SO ORDERED**

s/Kathleen M. O'Malley  
**KATHLEEN McDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED: September 28, 2007**